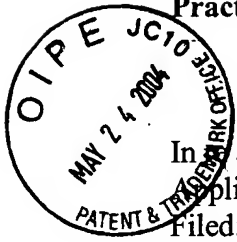


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Practitioner's Docket No. 701039-053543

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Mark Puder; Arin K. Greene; Judah Folkman  
Application No.: 10/767,870 Group No.: To be assigned  
Filed: January 29, 2004 Examiner: To be assigned  
For: PREVENTION OF SURGICAL ADHESIONS USING SELECTIVE  
COX-2 INHIBITORS

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

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2. Transmittal Form (1 pg.);
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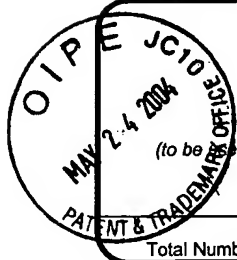
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/767,870
Filing Date	January 29, 2004
First Named Inventor	Mark Puder
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701039-53543

**ENCLOSURES (Check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> <del>Power of Attorney, Revocation</del><br><input checked="" type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Mail; References AA, BA, CA-CI and CK-CV ; and Return Receipt Postcard |
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**Remarks**

The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 50-0850.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	David S. Resnick (34,235) Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110
Signature	
Date	May 20, 2004

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Typed or printed name	Linda M. Ginsberg		
Signature		Date	May 20, 2004

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Practitioner's Docket No. 701039-053543

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mark Puder; Arin K. Greene; Judah Folkman  
Application No.: 10/767,870                      Group No.: To be assigned  
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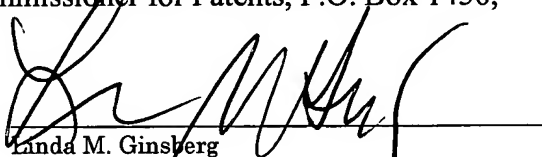
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Date: May 20, 2004

  
Linda M. Ginsberg

\*\*\*\*\*

Sir:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached Form 08B, for consideration by the Examiner in connection with the examination of the above-identified patent application.

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X   (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- \_\_\_ (2) within three months of the mailing date of the PCT International Search Report; or
- \_\_\_ (3) after the period defined in (1) but before the mailing date of a **Final Rejection or Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- \_\_\_ (4) after the mailing date of a **Final Rejection or Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached Form(s) 08B be made of record in this application. Copies of these documents (CHECK ONE):

- X   which were not previously disclosed are enclosed herewith; or
- \_\_\_ have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

### **FEE AUTHORIZATION**

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

Date: May 28, 2004



David S. Resnick (Reg. No. 34,235)  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-6057

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Substitute for form 1449PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **3****Complete if Known**

Application Number	10/767,870
Filing Date	01/29/2004
First Named Inventor	Mark Puder
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701039-53543

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code <sup>2</sup> (if known)			
	AA	US-5,760,068	06/02/1998	Talley et al.	

**FOREIGN PATENT DOCUMENTS**

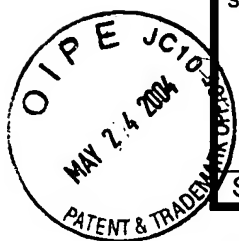
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)				
	BA	WO 00/32189	06/08/2000	GAO, D. et al.		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is

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Substitute for form 1449PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	10/767,870
				Filing Date	01/29/2004
				First Named Inventor	Mark Puder
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	2	of	3	Attorney Docket Number	701039-53543

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	CA	ELLIS, H. ET AL., "Adhesion-related hospital readmissions after abdominal and pelvic surgery: a retrospective cohort study," Lancet, p. 1476, (1999).	
	CB	MENZIES, D. ET AL., "Small bowel obstruction due to postoperative adhesions: treatment patterns and associated costs in 100 hospital admissions," Ann. R. Coll. Surg. Engl., p. 40-46, (2001).	
	CC	SAED, G. M. ET AL., "Cyclooxygenase-2 is expressed in human fibroblasts isolated from intraperitoneal adhesions but not from normal peritoneal tissues," Fertil. Steril., p. 1404, (2003).	
	CD	DIZEREGA, G.S. ET AL., "Peritoneal repair and post-surgical adhesion formation," Human Reproduction Update, p. 547, (2001).	
	CE	RAY, N.F. ET AL., "Abdominal adhesiolysis: inpatient care and expenditures in the United States in 1994," J. Am. Coll. Surg., p. 1, (1998).	
	CF	CHEGINI, N., "The role of growth factors in peritoneal healing: transforming growth factor beta (TGF-beta)," Eur. J. Surg., p. 17, (1997).	
	CG	WICZYK, H.P. ET AL., "Pelvic adhesions contain sex steroid receptors and produce angiogenesis growth factors," Fertil. Steril., p. 511, (1998).	
	CH	ROUT, U.K. ET AL., "Altered expressions of VEGF mRNA splice variants during progression of uterine-peritoneal adhesions in the rat," Am. J. Reprod. Immunol., p. 299, (2000).	
	CI	MONTZ, F. ET AL., "Ability to minimize postoperative intraperitoneal adhesion formation in a murine model," Fertil. Steril., p. 1136, (1994).	
	CK	RODGERS, K. ET AL., "Reduction of adhesion formation with hyaluronic acid after peritoneal surgery in rabbits," Fertil. Steril., p. 553, (1997).	

Examiner Signature		Date Considered	
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\*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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				Filing Date	01/29/2004
				First Named Inventor	Mark Puder
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	3	of	3	Attorney Docket Number	701039-53543

CL	DIAMOND, N.P. ET AL., "A model for sidewall adhesions in the rabbit: Reduction by an absorbable barrier," <i>Microsurg.</i> , p. 197, (1987).	
CM	PANAY, N. ET AL., "New directions in the prevention of adhesion in laparoscopic surgery," <i>Curr. Opin. Obstet. Gynecol.</i> , p. 379, (1999).	
CN	SOULES, N. ET AL., "The prevention of postoperative pelvic adhesions: an animal study comparing barrier methods with dextran 70," <i>Am. J. Obstet. Gynecol.</i> , p. 829, (1982).	
CO	WISEMAN, D.M. ET AL., "The rates of adhesion development and the effects of crystalloid solution on adhesion development in pelvic surgery," <i>Fertil. Steril.</i> , p. 702, (1998).	
CP	HANEY A.F. ET AL., "A barrier composed of chemically cross-linked hyaluronic acid (Incert) reduces postoperative adhesion formation," <i>Fertil. Steril.</i> , p. 145, (1998).	
CQ	WALLWIENER, D. ET AL., "Adhesion formation of the parietal and visceral peritoneum: an explanation for the controversy on the use of autologous and alloplastic barriers?," <i>Fertil. Steril.</i> , p. 132, (1998).	
CR	RODGERS, K. ET AL., "Evaluation of polyethylene glycol/polylactic acid films in the prevention of adhesions in the rabbit adhesion formation and reformation sidewall models," <i>Fertil. Steril.</i> , p. 403, (1998).	
CS	DIAMOND, M.P., "Reduction of de novo postsurgical adhesions by intraoperative pre-coating with Sepracoat (HAL-C) solution: a prospective, randomized, blinded, placebo-controlled multicentre study. The Sepracoat Adhesion Study Group," <i>Fertil. Steril.</i> , p. 1067, (1998).	
CT	BOWERS, D. ET AL., "Hyaluronic acid-carbosymethylcellulose film and perianastomotic adhesions in previously irradiated rats," <i>Am. J. Obstet. Gynecol.</i> , p. 1335-1447 (1999).	
CU	Needleman, P. et al, <i>J. Rheumatol.</i> , 24, Suppl 49:6 - 8 (1997)	
CV	Samad, T. A. et al, <i>Nature</i> , 410(6827):471-5 (2001)	

Examiner Signature		Date Considered	
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